

ATTACHMENT A

PLAN FOR THE ORGANIZATION OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN UNDER A NON-PROFIT, NON-STOCK CORPORATION

STATEMENT OF THE PLAN AND DECLARATION OF ITS OBJECTIVES, GOAL AND CONTINUITY OF PURPOSE

The new policy of the Congress of the United States relating to the American Indians was declared in H.R. Concurrent Resolution 108, 83rd Congress, 1st Session (August 1, 1953) which instructed the Secretary of the Interior to recommend legislation for the withdrawal of federal supervision over certain American Indian Tribes, included among them the Menominee Indians. As a result of this mandate, Congress enacted P.L. 399-83rd Congress, Chapter 303-2nd Session, approved June 17, 1954, as amended, became the Menominee Termination Act, which effectively terminated the Menominees on April 30, 1961.

As termination became a reality, plans for meeting the problems were advanced in some degree in the establishment of a business corporation called Menominee Enterprises, Inc., which corporation would take title to all properties of the Menominees for management. Those people in need of assistance and minors' assets were transferred for administration to a trust company. These actions were consummated by the Secretary of the Interior under terms of the termination act.

Principally, termination involves the Menominee Indian reservation now Menominee County, comprising 233,902 acres of land with major assets in the form of timber holdings, sawmill, recreational lands and waters and tribal funds, along with interests of 3,270 enrolled members of the tribe.

* Errors herein appear in the original.

Another feature arising from termination was the creation of the 72nd county in Wisconsin, out of the former Menominee Indian Reservation area by the Wisconsin State Legislature. The move was to integrate into local government under the structure of State Statutes. In the same legislation creating the county, a proviso was enacted to limit the life of the County until July 31, 1965, at which time the Legislature may evaluate the success or failure of the local government.

The termination act does not provide ways and means to protect and preserve important tribal heritage. Therefore, the only avenue known to the Menominee Indians to accomplish and perpetuate the rich heritage handed down to us is to form an organization such as contemplated herein. In a special meeting of the Menominee Indian people convened at Neopit, Wisconsin on March 17, 1962 a resolution was unanimously adopted approving the establishment of a non-profit, non-stock corporation under the laws of the State of Wisconsin, to reestablish the Menominee Indian Tribe of Wisconsin, to preserve their identity, and to protect and preserve tribal customs, traditions, cultures, legends, language, crafts, and to reserve such other inherent rights from former treaties between the United States and the Menominee Indians and for other purposes.

The Treaties referred to are as follows:

Treaty of March 30, 1817 (7 Stat. 153; proclaimed December 26, 1827) A treaty of peace and friendship concluded at St. Louis.

Treaty of February 8, 1831 (7 Stat. 342) A treaty of cession concluded at Washington, D.C.

Proclamation of February 17, 1831 (7 Stat. 346; proclaimed July 9, 1832) Ratifying treaty of February 8, 1831.

Treaty of September 3, 1836 (7 Stat. 506; proclaimed February 15, 1837) A treaty of cession concluded at Cedar Point.

Treaty of October 18, 1848 (9 Stat. 952; ratified January 23, 1849) A treaty of cession concluded at Lake Powaw-hay-kon-nay.

Treaty of May 12, 1854. (10 Stat. 1064; proclaimed August 2, 1854) A treaty of cession and establishment of Menominee Reservation.

Treaty of February 11, 1856. (11 Stat. 679; ratified April 18, 1856 proclaimed April 24, 1856) A treaty of cession concluded at Keshena.

In addition, the organization shall provide for the protection and preservation of all natural resources of the Menominee Indians, including water, soil, fish and wildlife.

The transition from federal trusteeship of the tribe into the main stream of American life, the members being inadequately prepared, has developed many new social and economic problems. The obstacles and difficulties encountered in a rapid program of adjustment is seriously affecting many Menominee families and will continue for some time. These and many other problems, calls for solution and prompts attention by tribal members to form a legally constituted organization that will provide the leadership and service to the Menominee people. Termination success is unknown at this stage, but through an organized group, we may in the future assert and properly assess termination problems and take concerted action.

The Menominee Indians in establishing the non-profit, non-stock corporation shall preserve the rich heritages of the past, and with the help of Almighty God, may unite and take their rightful place, with honor, among the many organizations of our county, dedicated to the noble purposes for the common good.

MENOMINEE INDIAN TRIBE OF WISCONSIN, INC.
ARTICLES OF INCORPORATION AND BY-LAWS
ADOPTED BY MENOMINEE TRIBAL MEMBERS,
MAY 9, 1962 AT NEOPIT
WISCONSIN, MENOMINEE COUNTY

PREAMBLE

We, the members of the Menominee Indian Tribe of Wisconsin, whose names appear on the final roll, pursuant to the Act of June 17, 1954 (68 Stat 250) said roll approved by the Secretary of the Interior on November 26th 1957, and proclaimed in the Federal Register at Washington, D.C. in Volume 22, on December 12, 1957, do hereby band together under guidance of Almighty God, to secure to ourselves and our descendants the rights and benefits to which we are entitled under the laws of the United States, the several states thereof, to promote a better understanding and relationship with our fellow citizens of Wisconsin; to re-establish the Menominee Indian Tribe of Wisconsin; to preserve their identity; to protect and preserve tribal customs, traditions, cultures, legends, language and crafts; to reserve such other inherent rights from former Menominee treaties or agreements with the United States; to promote the common welfare of the Menominee Indian Tribe and its members and for other purposes consistent with law and to foster the continued loyalty and allegiance of the Menominee Indian Tribe to the United States and the flag of our country, to these objectives, we dedicate this organization.

ARTICLES OF INCORPORATION
OF
MENOMINEE INDIAN TRIBE OF WISCONSIN, INC.
(Date May 9, 1962)

The undersigned individuals designated as Incorporators, who are members of the Menominee Indian Tribe,

for the purpose of forming a Wisconsin corporation under Chapter 181 of the Wisconsin Statutes, do hereby adopt the following Articles of Incorporation:

ARTICLE I

NAME AND HEADQUARTERS

The name of the corporation is Menominee Indian Tribe of Wisconsin, Inc., with headquarters in Neopit, Wisconsin.

ARTICLE II

PERIOD OF EXISTENCE

The Menominee Indian Tribe of Wisconsin, Inc., shall be in existence for ten years, beginning on date of filing. At end of the ten years the corporation may extend such life or dissolve the same by vote of the majority of the members assembled at the Menominee Indian Tribal Convention. Notice must be made in writing by the Principal Chief informing all registered members at least sixty days prior to expiration date that consideration and action be taken on the issue contained in this article.

ARTICLE III

PURPOSE

The purpose for which this corporation is organized is to engage in any lawful activity within the purposes for which corporation may be organized under the Wisconsin Non-Stock, Non-Profit Corporation Law, subject to the limitations applicable thereof. The corporation shall manage and operate all of the businesses and properties, real and personal, acquired by it and that its purposes shall include those defined and enumerated in the Preamble.

ARTICLE IV

NON-STOCK

The corporation is constituted without any capital stock and no authority is herein granted for issue of any stock in this corporation.

ARTICLE V

REGISTERED AGENT AND ADDRESS

The name of the initial Registered Agent of the corporation is Atlee A Dodge and the registered office is Neopit, Wisconsin.

ARTICLE VI

ANNUAL MENOMINEE INDIAN TRIBAL CONVENTION

There shall be an annual convention of the members of the Menominee Indian Tribe of Wisconsin, Inc., the place and time to be determined by the Council of Chiefs before adjournment of the annual convention.

ARTICLE VII

QUORUM OF MEMBERS TO CONVENTION

At least seventy-five accredited members of the corporation entitled to vote represented in person or by proxy, shall constitute a quorum at any meeting.

ARTICLE VIII

COUNCIL OF CHIEFS

The business and affairs of the corporation shall be managed by the Council of Chiefs, which shall consist of

twelve (12) Chiefs, who shall be members of the Menominee Indian Tribe appearing on the "Final Roll" and be a certified member of this organization; at the first annual Menominee Indian Tribal Convention, there shall be elected twelve (12) Chiefs, the six (6) receiving the highest number of votes will serve for a two year term of office and the six (6) receiving the next highest number of votes will serve for a one year term of office, and thereafter, annually, there shall be six Chiefs elected at the Menominee Indian Tribal Convention for a two year term. All such members elected shall serve until their terms are completed. Any vacancy occurring in the Council of Chiefs shall be filled with the next succeeding annual election of the Council by the affirmative vote of a majority of the Chiefs then in office, Each member of the Council of Chiefs will have one vote.

The initial Council of Chiefs, who shall serve until the first annual Menominee Indian Tribal Convention shall be as follows:

NAME	ADDRESS
1. Al Frechette	Neopit, Wisconsin
2. Atlee A. Dodge	Neopit, Wisconsin
3. Gordon Dickie	Keshena, Wisconsin
4. Al Dodge	Neopit, Wisconsin
5. Lawrence Richmond, Jr.	Neopit, Wisconsin
6. James G. Frechette	Keshena, Wisconsin
7. Glenn Besaw	Neopit, Wisconsin
8. Lawrence Richmond, Sr.	Neopit, Wisconsin
9. George W. Kenote	Neopit, Wisconsin
10. Hilary Waukau	Neopit, Wisconsin
11. John M. Boyd	Keshena, Wisconsin
12. Melvin Chevalier	Neopit, Wisconsin

ARTICLE IX

NOMINATION AND ELECTION OF OFFICERS

SECTION 1. *Nominations.* Nominations for Principal Chief, First Vice-Chief, Recording Secretary and a Treasurer shall be made from the floor of the Convention. Only enrolled Menominee Indians shall qualify for nomination and election. The four officers designated herein shall be elected from the Council of Chiefs.

SECTION 2. *Elections.* The Principal Chief, First Vice-Chief, Recording Secretary and Treasurer shall be elected by secret ballot, by a majority vote of all members present and voting at the Annual Menominee Indian Tribal Convention.

SECTION 3. *Tenure.* All officers elected under this Article shall serve in office for one year. Any vacancy occurring in these offices shall be filled by appointment by the Council of Chiefs until the next succeeding annual Menominee Indian Tribal Convention election.

ARTICLE X

MEMBERSHIPS

SECTION 1. Memberships shall consist of four categories:

a. *Menominee Indian Membership.* All Menominee Indians appearing on the final rollof the Menominee Indian Tribe which was approved by the Secretary of the Interior under date of November 26, 1957 shall be eligible for membership; provided, that no tribal member under 21 years of age shall vote in the organization. [Amended, see p. B17 below.]

b. *Associate membership of Menominee Descendants.* Any person or persons, decendants of en-

rolled Menominee Indians or persons recipients through inheritance of Menominee Enterprises, Inc., securities shall be eligible as associate members, with non-voting status.

c. *Associate membership of persons married to enrolled Menominees.* Any person married to an enrolled member of the Menominee Tribe shall be eligible as associate members with non-voting status.

d. *Associate membership of non-Indians.* Non-Indian applicants may be admitted to non-voting associate membership upon the consideration and recommendation of the Membership Committee with final approval by the majority vote of the membership assembled at the Annual Menominee Indian Tribal Convention.

e. *Membership prohibited.* No individual with known subversive activities or affiliation shall be admitted to membership.

SECTION 2. *Elective Membership.* All members of the Menominee Indian Tribe are eligible to join the organization of their own choice and voting membership and any other rules shall be prescribed in the By-laws.

SECTION 3. *Resignation.* A member may at any time file his or her resignation with the Recording Secretary, such must be in writing which shall become effective as of date filed.

SECTION 4. *Expulsion and Re-instatement of Members.* The Council of Chiefs may suspend or expel any member for cause, after an appropriate hearing before such body and in such manner as the Council of Chiefs shall direct. Any member so suspended or expelled may be re-instated in good standing by the affirmative vote of a majority of the members of the Council of Chiefs.

ARTICLE XI

AMENDMENT

These Articles may be amended by an affirmative vote of two-thirds of the registered members entitled to vote thereon at the regular meeting of the Annual Menominee Indian Tribal Convention, or special meeting of the members of the Corporation called for that purpose.

ARTICLE XII

NON-POLITIC

The Menominee Indian Tribe of Wisconsin, Inc., shall not engage in nor lend itself to partisan political activity.

ARTICLE XIII

INCORPORATORS

The Names and addresses of the Incorporators are:

NAME	ADDRESS
1. Atlee A. Dodge	Neopit, Wisconsin
2. Al Frechette	Neopit, Wisconsin
3. Gordon Dickie	Keshena, Wisconsin
4. Glenn Besaw	Neopit, Wisconsin

Executed in duplicate this 9th day of May, 1962.

/s/ Atlee A. Dodge
/s/ Al Frechette
/s/ Gordon Dickie
/s/ Glenn Besaw

STATE OF)
) SS
County of)

Personally came before me this 9th day of May A.D. 1962 the above named Atlee Dodge, Al Frechette, Gordon Dickie & Gleen Besaw to me known to be the persons who executed the foregoing instrument, and acknowledged the same.

(Notarial Seal)

/s/ Delores Ninham
Notary Public
Menominee County

My Commission expires 2/16/64

ATTACHMENT B*

NOTICE

MEMBERS OF MENOMINEE TRIBE

IN RESPONSE TO A PETITION CIRCULATED AMONGST MEMBERS OF THE MENOMINEE INDIAN TRIBE, WHICH HAS GENERATED INTENSE INTEREST, THERE IS HEREBY CALLED A SPECIAL MEETING OF TRIBAL MEMBERS TO RESOLVE IMPORTANT ISSUES CONFRONTING ITS MEMBERS, SUCH MEETING IS SCHEDULED FOR SATURDAY AT 1:30 P.M. AT ST. ANTHONY'S SCHOOL HALL AT NEOPIT WISCONSIN ON MARCH 17, 1962. EVERY MENOMINEE IS URGED TO ATTEND. THE FOLLOWING AGENDA IS THE ORDER OF BUSINESS:

1. Selection of Chairman and recording secretary.
2. Statement of purpose.
3. Creation of a non-profit corporation to re-establish the Menominee Indians and to preserve their customs, traditions, culture and for other purposes.
4. Selection of committee to draft corporation documents such as a charter and by-laws, etc.
5. Declare membership policy for the organization.
6. Any other business.

* Errors herein appear in the original typed minutes.

MINUTES
OF ORGANIZATIONAL MEETING
MENOMINEE NON-PROFIT,
NON-STOCK CORPORATION

SPECIAL MEETING
CONVENED AT NEOPIT, WIS.,
MARCH 17, 1962,
OF MENOMINEE TRIBAL MEMBERS

A meeting was held pursuant to a petition circulated among the Menominee people; and began at 1:30 p m on Saturday, March 17, 1962. Father Marcellus, pastor of St. Anthony's parish, opened the meeting with a prayer, after which Mr. Al Frechette read the petition and the order of business.

* * *

Mr. Frechette * * * He then read the statement of purpose, which follows: Fellow tribal members; We now have reached a serious impasse in the struggle for survival under the forceful termination of the Menominee Indians by the Congress of the United States. In only a few months under termination we deeply feel the hardships upon our families. Employment opportunities are non-existent and unemployment is widespread. The average family income is measurably low compared to the average of our neighbors in the surrounding communities. Inflated land prices for which Menominees are being assessed for land on which their homes are located are unreasonably high, and many Menominees have no means to acquire the land. These and many other problems, social and economic, prompts attention to cause a united front in seeking ways and means by tribal members for solutions of the new problems encountered in termination.

* * *

Lawrence Richmond. There appears only one avenue available to the Menominee people under which it will be

possible for effectiveness, and to develop means to be heard and that is through the establishment of a legal organization permitted by law organizing the Menominee Indians to protect and promote their general welfare. The proposed plan for your consideration involves organizing a non-profit, non-stock corporation composed of tribal members, through a voluntary membership basis in the organization. Basically, the new organization is designed to provide for the re-establishment of the Menominee Indians of Wisconsin, to protect and preserve their identity, their cultures, customs, traditions, legends, language, crafts and to reserve such other inherent rights from former treaties with the United States and for other purposes.

It is imperative that we band together. Without a recognized organization, many of the rich heritages of the past will be lost. With the brave spirit of our forefathers and of our brave men and women that were in the services of their country in time of the Nations peril, we can again take our rightful place with honor among the many organizations of our country and pursue a noble cause in the interests of our own Menominee people. The Menominee Indians shall not perish.

* * * *

Mr. Al Dodge asked for the floor and emphatically supported Mr. Frechette's statement. He continued that at the present time we are under State authority, but our inherent rights from our ancestors and forefathers are in jeopardy, such as fishing and hunting, trapping; and that we inherited ownership of these rights which the State now is attempting to take away. Thus through this type of group organization we can be able to assert ourselves to interested parties and officials. For example, Mr. Dodge stated that in 1965 the State Legislature has the authority of a review corporation and stated that the

Cherokees have done so, and that they own and control the business on their reservation.

Mr Al Frechette submitted a resolution to the assembly as follows:

RESOLVED, that it is the sense of the Menominee Indian people assembled, this 17th day of March 1962 at Neopit, Wisconsin, that we hereby declare, and approve of the establishment of a non-profit, non-stock corporation to re-establish the Menominee Indians of Wisconsin, to preserve their identity, and to protect and preserve tribal customs, traditions, cultures, legends, language, crafts, and to reserve such other inherent rights from former treaties with the United States and for other purposes, and be it further,

RESOLVED, that the non-profit corporation shall be made available for membership to tribal members through a volunteer basis. Mr. Frechette moved for the adoption of the resolution, it was seconded by Mr. MacPherson.

Mr. Leon challenged the legality of voting on the resolution, that it was not legal to vote on the adoption since the assembly was not an organization. He further asked for a clarification of "non-profit", and since this is a lumber business, how could this new organization make a go of it?

The Chairman indicated that this new organization should not be confused with the Enterprise, that it was separate, and, this is a group of Menominees, for Menominees, where complaints could be registered legally. He then asked Mr. Al Dodge for a definition of non-profit. Mr. Dodge stated that it was just that, and according to Wisconsin statutes could be organized a group whose purpose is not that of making a profit, but non-profit. The Chairman continued that the resolution was the recognized legal technique for the beginning of a corpora-

tion, that a group of people want to form a corporation for non-profit.

Mrs. Deer, Mrs. Tucker, and Mrs. Boivin all expressed their concern over the fact that there was already an organization of Menominees whose purpose was very similar to that outlined in Mr. Frechettes Statement of Purpose, and they wondered just why it was necessary to have two organizations, and what the difference actually was.

The Chairman said that he didn't believe there should be a quarrel between the two organizations. He said this was a new organization which did not intend to usurp the activities of another group, and that there was no limit on the number of organizations in this county. He requested a peaceful assembly.

Mr. Dodge spoke and said that the main difference would be that the new organization would be a *legal* one.

Mr Gordon Dickie asked and was given the floor. He stated there seemed to be some confusion existing in the intent and purpose of the meeting. His understanding, he said, was that the purpose of a non-profit corporation to perpetuate the tribe with their inherent rights through law was indeed a good one. He suggested that there should be no mud-slinging, that individual problems as regarding personal crisis should be avoided because it would lose the respect and confidence of high officials whom we expect to deal with, and the general public. He further suggested that problems relating to labor is a separate and distinct item and should be treated as such.

* * * *

Mr. Al Dodge made a motion for an amendment to the main resolution on establishment of a non-profit, non-stock corporation which he read as follows: 1 . . . basis, and be it further

RESOLVED, that we hereby declare the membership policy in the proposed non-profit organization to be established, shall be first; all Menominee Indians appearing on the final roll of the Menominee Indian Tribe which was approved by the Secretary of the Interior under date of November 26th, 1957 shall be eligible, second; any other person or persons affiliated with the Menominee Indians through inheritance or marriage shall be declared associate members, provided further; that any other person or persons shall be eligible by vote of the members of the corporation established.

Mrs. Wilber suggested that membership be made according to the degree of Menominee blood. The Chairman said that it would be the next order of business, that is, the committee set up to establish charter, by-laws, etc., could handle any questions of this nature.

The Chairman then called for a vote on whether to adopt the amendment as read; the assembly registered a unanimous approval by a vote of 94 for, and none opposed, for the amendment. The Chairman then called for a vote on the main resolution. The main resolution was also adopted by a unanimous vote of 94 for and none opposed. The resolution and amendment were adopted. The Chairman stated the next order of business, selection of a committee to draft corporations documents, by-laws, charter, etc. He stated nominations were in order.

Mr. Bruce Wilber moved that a committee composed of seven members be chosen. The motion was seconded by Sparky Waukau.

Nominations from the floor followed, and those nominated for the Committee were; Mr. Hilary Waukau, Mr. Al Dodge, Mr. Gordon Dickie, Mr. Lawrence Richmond Jr. Mr. George Kenote, Mr. Manny Boyd, Mr. Atlee Dodge, Mr. James Frechette, Mr. Glen Besaw, Mr. Al Frechette, Mrs. Geraldine Boivin, Mr. Lawrence Richmond Sr.

Mr. James Frechette made a motion that all twelve of those nominated for the Committee be elected. The motion was seconded by Mr. Dodge. The Chairman called for a vote and the motion was carried by a vote of 97 for adoption, none opposed. All those nominated above composed the Committee whose duty it is to report the drafts of documents and together with recommendations to the next assembly scheduled for Saturday, April 14, 1962.

* * * *

Reverend Phillips presented what he observed to be the situation of the families whom he dealt with. He observed that lack of wood and lack of employment were more acute than ever before and that it seemed to him that there was very poor cooperation between mill management and labor. He stated that of 15 families 10 men were eligible for work, but that only 2 were employed; and none were eligible for drawing unemployment.

Several others gave examples of heads of families being out of work, among them; Mrs. Dick who stated she was supporting her son's family of three because he had no work; Mrs. MacPherson and their family of 12 with husband out of work; and finally Mrs. Deer who wondered what could be done to curb Mr. Bodine's authority or at least offer more employment for Menominees.

Mr. James Frechette and Mr. Waukau, both members of the Study Committee, advised the assembly that there were still funds available for such an examination, and that the Study Committee had always tried to act for the best interests of the tribe, both before and after termination became a fact.

Mr. Kenote, speaking for management, explained the many laws that management had to comply with and administer such as the federal wage and hour law, the Wisconsin tax load (94% of tax burden for the county) unemployment compensation insurance laws; he stated that wood was a money loser, that it had to be substituted for

chips, which could produce an income; and that where there once was 180 people employed, there was now 378 to 400.

Mr. Wilber asked several pertinent questions of Mr. Kenote, was it true that Jack Schumaker and Enterprise had committed themselves to the Conservation department to open up Bass Lake and the Mill pond to the public? Mr. Kenote answered no. Mr. Kenote was then asked why there had to be West Coast men here to fill jobs. He replied that people whom the Enterprise had contracts with felt more confident that the Enterprise could fulfill the contracts when such outsiders were here. Kenote continued that of 100 to 125 applications for employment by members of the tribe clearly showed a majority had no education beyond grade school, few beyond high school, and mostly lacking skilled experience.

* * *

Mr. James Frechette pointed out that the Congress sometimes makes mistakes, and in terminating Indians they made a big one; proof of which is shown by the fact that no more Indians are being terminated. He further pointed out that from the historical viewpoint, Menominees have always provided excellent leadership and ability through trials and tribulations; and that through this legal organization the Menominees can again see themselves through this crisis. He urged a proper organization with the right type of leadership. He urged that all members actively participate towards bringing this new organization into an effective and strong group on a high plane reflecting the ingenuity and adaptability of the Menominee People

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Mr. Al Frechette announced that a mass meeting will be held at 7:00 p.m. Monday, March 19, 1962 at St. Anthony's hall.

GENERAL MINUTES OF MEETING OF MARCH 21, 1962, AND RECOMMENDATIONS OF THE COMMITTEE FOR THE ORGANIZATION OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN, INC., WHICH WAS ESTABLISHED AT A GENERAL ASSEMBLY OF MENOMINEE INDIANS ON SATURDAY, MARCH 17, 1962.

Mr. Al Frechette, by unanimous consent except for two members absent, was chosen chairman of the committee by the members present. The Chairman called roll as follows:

Mr. Hilary Waukau—present
Mr. Al Dodge—present
Mr. Gordon Dickie—present
Mr. Lawrence Richmond Jr—present
Mr. George Kehote—absent
Mr. Manny Boyd—absent
Mr. Atlee Dodge—present
Mr. James Frechette—present
Mr. Glen Besaw—present
Mr. Al Frechette—present
Mrs. Geraldine Boivin—present
Mr. Lawrence Richmond Sr.—present

The Chairman stated that at the outset this meeting should be at the suggestion level, that we should make a note of some of the things to be incorporated into the documents for incorporation.

Mr. Waukau said he believe that many of the documents already in existence stated in broad terms many of the "inherent rights" and that this organization should look toward spelling out the specific rights, especially in the areas of hunting and fishing. He suggested that opinions (legal) regarding those rights were in printed form by the Wilkinson firm and by Lloyd Andrews and at least two others. He said he would like to see extended membership other than Menominees.

Mr. Al Dodge suggested membership be taken from the official rolls of the Menominee Tribe in 1957, and that "associate members" be specified further to include non-Menominees.

Mrs. Boivin wondered should there be any limitation as to payment of expenses in the non-profit organization?

Mr. Dodge stated that expenses were permitted according to Wisconsin Statutes, Chapter 181.

It was further suggested that in the preamble should be contained reference to all the Treaties, since there is where the source of the inherent rights, as hunting and fishing were specified.

The Chairman asked for suggestions as to the name to be used in connection with the Articles of Incorporation.

Mr. Waukau made a motion that the name Menominee Indian Tribe of Wisconsin, Incorporated, be reserved in the Secretary of State's office, and that the registration fee for same be forwarded as soon as possible by the secretary-treasurer of this committee. The motion was seconded by Mr. Dickie. The motion was adopted unanimously by the members present.

A voluntary contribution was asked for by the Chairman and those contributing equal amounts of \$1.00 were; Mr. Waukau, Mr. Dickie; Mr. James Frechette, Mr. L. Richmond Jr. and Mr. Glen Besaw.

Minutes of Meeting of Council of Chiefs

Call to order, June 6, 1962—Wednesday

Chairman called a quorum, 7 members present

Mr Dodge introduced a resolution requesting Bd of Directors intervene in Reynolds opinion on hunting and fishing. That copies made available and sent to Bodine, Wilkinson, and to each Bd member.

Supporting views included that should contest this opinion since it would ultimately lead to state ownership of waters which was granted irrevocably to the Menominee Indians by Treaty in their early history.

Mr Dodge moved for adoption of resolution
Second by L Richmond.

Minutes of Meeting of Council of Chiefs

[Date Unknown]

Roll taken, proxies noted :

Mr Al Dodge: States that he has found very little cooperation from Enterprise in connection with any action they have taken or are contemplating with respect to the issue of hunting and fishing. He believes that support should be obtained thru holding a mass meeting with the purpose of offering a direction to the Enterprise, and also gain membership for the Tribe, including pledges. Jr Richmond enters that he has heard of a contingency fund from which the Enterprise could draw for such a purpose.

Dodge continues that as yet he knows of no funds set aside for any court action, inspite of our repeated attempts to alert the Enterprise of the effect of adverse action on a determination of court cases now pending.

Mr. Dixon: Wonders what the story is because two members of this organization are also directors?

ch: States that there has been just discussion, no action.

Mr Al Dodge: Believes that what we need at this time is larger membership to give concrete evidence that Menominees are very concerned over the possible outcome of fishing hunting rights.

Mr. Waukau: Moves that a mass meeting be called for Friday night October 12, 1962 at 7:30 in Neopit Day School, emphasizing all sportsman and Menominees attend.

seconded by Jr Richmond.

motion carried

PURSUANT TO PROPER NOTICE, A MASS MEETING WAS HELD IN NEOPIT DAY SCHOOL ON OCTOBER 12, 1962 BY CALL OF THE COUNCIL OF CHIEFS, MENOMINEE INDIAN TRIBE OF WISCONSIN, INC.

Call to order by Mr. Frechette.

Mr Dodge: provided a background on the events leading and centering around Reynolds' opinion on hunting and fishing; briefly states what action the Tribe has done to achieve aid in defense of the case now pending in Court in Shawano. He further question whether there has been proper time to pursue damages, since have been out from under government such a short time. He further invites more discussion.

Mr. Kenote: He insists that hold off any action until legislature meets, then thru it solve the problem, he further insists that we have many friends in the Conservation department, on the Commission, in the legislature, who have made enforcement officers not strictly enforce all the game laws, thus he believed that we should not go off half cocked and rile up our good friends and break their good faith.

Mr Rieder: Asks of Kenote, Can hunt and fish?

Mr Kenote: Yes and no. Frankly states that any hunting or game law that is being violated will be prosecuted, i.e. contrary to any game law in the nation. He further stated that taking your own chance if insist on hunting fishing in the same manner as accustomed to as Indians.

Mr Al Frechette: Stated that attended Basina's hearing and stated that Traeger needs much help in the case,

since he is defending on a point of law, now on the violations themselves.

Comments from the floor insisted that we cannot wait any longer, that we had in fact much to lose if we did not act as soon as possible, and that the Conservation department was acting very fast in trying to take control of the fish and game.

Mr Peterson: Ask of the assembly whether the justice of peace can handle game law violations of outsiders?

Mr Fossum: States that the county board has not set up the justice court as yet, and don't know whether the board can.

Mr Peterson: Insists that even tho we are many, does not truly represent all the Menominees here tonight, therefore moves to amend the resolution as follows:

I move to amend the resolution to provide t at a referendum on the subject be submitted to eligible voters on the Menominee Final Roll, such to be made within the next ten days and provided further that Mr Lloyd Andrews be engaged as attorney of record to represent the Menominee Indian Tribe".

The vote on the referendum is as follows:

For	Against
63	0

amendment unanimously adopted

Mr Kenote: Cautions the assembly not to attempt to retain attorney Andrews against his best advice, "don't try to lock his hands".

Vote on the main resolution:

For	Against
62	0

Al Dodge moved for adjournment, 2nd by Fossum

NOTICE

Pursuant to instructions advanced by interested Menominee Indians and the Menominee Indian Tribe of Wisconsin, Inc., which met at the Neopit Day School at Neopit, Menominee County, Wisconsin on October 12, last, it was agreed that a referendum vote be submitted to Tribal members on the Final Roll to determine and give direction as to specific action that may be instituted to protect and preserve inherent Menominee Tribal property rights as such relates to hunting, fishing and trapping. Accordingly, the referendum was conducted in Menominee County and polling places were at Zoar, Neopit, South Branch and Neopit. The result of the vote reflects an overwhelming sentiment to bring an action against the Wisconsin Conservation Commission, such to be instituted by the Menominee Indian Tribe of Wisconsin, Inc., in behalf the Menominee Indians on the subject and the vote is as follows:

PLACE	IN FAVOR	OPPOSED
Keshena	25	None
South Branch	49	None
Neopit	116	1
Zoar	18	None
Total:	208	1

Upon the basis of such results the Menominee Indian Tribe of Wisconsin, Inc., will be guided and pursue such course of action.

AL FRECHETTE
Principal Chief
Menominee Indian Tribe of
Wisconsin, Inc.

Secretary
ATLEE A DODGE

RESOLUTION

WHEREAS, on May 21st 1962, the Attorney General of the State of Wisconsin, John W Reynolds, rendered a legal opinion which prescribed that the Wisconsin Laws and rules with respect to hunting and fishing apply to the lands of Menominee County and to those citizens of Wisconsin that trace their ancestry to the Menominee Indian Tribe, and

WHEREAS, the Director of the Wisconsin State Conservation Commission on July 10, 1962 directed a letter to the Chairman of the Menominee County Board informing him that Menominee County would be treated the same as all other counties in the state with reference to all matters including hunting, fishing, trapping and that the Department was responsible for establishing rules and regulations and enforcing the law, and

WHEREAS, due to the action of the Attorney General of Wisconsin and the Conservation Commission, members of the Menominee Indian Tribe whose names appear on the final roll approved by the Secretary of the Interior on November 26th, 1957, have been denied certain inherent tribal property rights herein defined as hunting, fishing and trapping in Menominee County, and

WHEREAS, the Menominee Indian Tribe of Wisconsin, Inc., felt deep concern over the unwanton infringement on tribal rights and caused to call a general meeting of members of the Menominee Indian Tribe on October 12, 1962 to develop ways and means and give direction as to the proper course to pursue to protect and preserve tribal hunting, fishing and trapping rights, now therefore

BE IT HEREBY RESOLVED, that it is the sense of the general meeting of the Menominee Indians, duly convened at Neopit, Menominee County, Wisconsin, this 12th day of October, 1962 that we hereby authorize and support the Menominee Indian Tribe of Wisconsin, Inc. to com-

mence such legal action necessary or otherwise, in the Federal Courts of the United States, seeking a remedy from the adverse opinion rendered by the Attorney General of Wisconsin relating to hunting, fishing and trapping rights the Menominees declare as inherent property rights, which opinion denies these rights,

AND BE IT FURTHER RESOLVED, that it is recommended that an immediate action be instituted in the Federal Court of the Eastern District of Wisconsin, seeking an injunction against the Wisconsin Conservation Commission restraining such Commission from enforcing the opinion of the Attorney General of Wisconsin affecting members of the Menominee Indian Tribe, until the issue can be resolved by a court of competent jurisdiction,

AND BE IT RESOLVED FURTHER, that it is understood that the authorization and direction herein made shall be in behalf the members of the Menominee Indian Tribe whose names appear on the Final Roll.

* * * *

A RESOLUTION

RESOLVED, that it is the sense of the Council of Chiefs of the Menominee Indian Tribe of Wisconsin, Inc., in a special convened meeting at Neopit, Menominee County, Wisconsin, this 24th day of January 1963, that we hereby emphatically oppose the proposed dam on the Wolf River at Pearson in Langlade County, as such dam would seriously affect and jeopardize the waters, fish, wildlife, forests and recreational resources of the Menominee Indians in Menominee County

* * * *

Mr. Dickie: I move for the adoption of the resolution.

Mr. Richmorf: I second the motion.

Result: Unanimously adopted.

ATLEE A DODGE
Secretary

AL FRECHETTE
Principal Chief

* * * *

MENOMINEE INDIAN TRIBE OF WISCONSIN, INC.

RESOLUTION "A"

RESOLVED, that it is the sense of the Menominee Indian Tribe of Wisconsin, Inc., assembled in special meeting of the General Council this 16th day of March, 1968, by affirmative vote of two-thirds of the registered members entitled to vote, that the Articles of Incorporation of the Menominee Tribe of Wisconsin, Inc., dated May 9, 1962, are hereby amended to read as follows:

Article X, Section 1 (a), is amended to read as follows:

"a. *Menominee Indian Membership.* All Menominee Indians appearing on the final roll of the Menominee Indian Tribe which was approved by the Secretary of the Interior under date of November 26, 1957, and all descendants who meet the criteria of the Enrollment Act of 1934, as amended, shall be tribal members; provided, that no tribal member under 21 years of age shall vote in the organization."

Article XI is amended to read as follows:

"These Articles may be amended by an affirmative vote of two-thirds of the registered members present and entitled to vote thereon at the regular meeting of the Annual Menominee Indian Tribal Convention, or special meeting of the members of the Tribe called for that purpose."

* * * *

The undersigned duly qualified and acting secretary of the General Council meeting of the Menominee Indian Tribe of Wisconsin, Inc., does hereby certify that this Resolution was regularly adopted by a vote of 100 to 4, at a legally convened meeting of such General Council held at Neopit, Wisconsin, on the 16th day of March, 1968, and further that such Resolution has been fully

recorded in the Minutes of the proceedings of such General Council meeting. In witness whereof I have hereunto set my hand and seal this 16th day of March, 1968.

/s/ Letitia B. Caldwell [SEAL]
LETITIA B. CALDWELL
Secretary of the Meeting

* * *

The following resolutions were adopted March 16, 1968, by the General Council:

RESOLUTION NO. 1

[Adopted 96 to 0]

The Council of Chiefs is instructed to draw up a roll of tribal members as of December 31, 1967. The said roll shall be updated annually.

* * *

RESOLUTION NO. 2

[Adopted 107 to 0]

All tribal members, as defined in Article X of the Articles of Incorporation, Section 1 (a), and only such members, shall have the right to exercise tribal hunting and fishing rights, subject to tribal regulations;

PROVIDED, HOWEVER, that any member who violates any tribal hunting or fishing regulation may upon finding of the Council of Chiefs be declared ineligible to exercise such rights, for such period of time as the Council of Chiefs may specify.

* * *

RESOLUTION NO. 3

[Adopted 112 to 1]

It is hereby declared to be the continuing policy of the Menominee Tribe that sound tribal conservation practices shall be adhered to at all times to ensure the continued presence of ample game and fish on the Menominee Indian Reservation.

* * *

RESOLUTION NO. 4

[Adopted 103 to 0]

The Menominee Tribe hereby reaffirms and continues its tribal custom and regulation that no Tribal member having caught any fish or game in the exercise of tribal hunting or fishing rights shall sell such game or fish or otherwise engage in any commercial transactions as to such game and fish.

* * *

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0

ATTACHMENT C

EXCERPT FROM JOINT HEARINGS ON TERMINATION OF FEDERAL SUPERVISION OVER CERTAIN TRIBES OF INDIANS, BEFORE SUBCOMMITTEES OF THE SENATE AND HOUSE COMMITTEES ON INTERIOR AND INSULAR AFFAIRS, 83D CONG. 2D SESS (1954), PP. 254 AND 255.

[The speaker are discussing the Klamath Termination bill]

[Associate Commissioner of Indian Affairs H. Rex Lee] Now, in terms of the fishing and hunting rights, I think that is a little different. I can anticipate a little difficulty on the part of the local officials out there maybe 25 or 50 or 75 years from now, trying to determine who has hunting and fishing rights.

Representative D'EWART. Not only that, but who has the tribal rights? That is the point I am trying to get at.

Senator WATKINS. You may have a hundred thousand Indians then that would claim the hunting and fishing rights.

Mr. LEE. That is right. And I anticipate that they would have a little bit of difficulty proving to the courts what their rights were. That would be a matter between the courts and the individuals affected.

Senator WATKINS. I would suggest that possibly it might be a good idea for the United States to buy out that so-called right to pay them off, because then you would not have difficulty with the white people in those areas. If we go on 25 or 50 years from now and we have a large increase in Indians, and they have just a trace of Indian blood, and claim that "as a descendant of so-and-so, I claim the right to fish and hunt"—there would be the question of who did have the right to fish and hunt. Under those circumstances, it might pay to negotiate it with them to buy it out, pay them off completely, and put them all on the same basis.

Mr. LEE. I agree that there could be a number of lawsuits on this. I can anticipate that 25 or 50 years

from now there could be a lot of questions as to whether this individual or that individual has fishing rights. It seems to me at that stage of the game the Federal Government is still out of the question.

Senator WATKINS. I know we passed on some headaches to the State, and I notice in one of the statements here from the Chamber of Commere [sic] of Klamath itself, it says:

Section 14 (b) of the bill is a clear example of the sort of thing to which the chamber is opposed. This subsection provides:

"Nothing in this act shall abrogate any fishing rights, or privileges of the tribe or the members thereof enjoyed under Federal treaty."

Article 1 of the treaty of 1864 provides: " * * * the exclusive right of taking fish in the streams and lakes, included in said reservation, and of gathering edible roots, seeds, and berries within its limits, is hereby secured to the Indians aforesaid * * *."

I do not know how much that would be worth, but at least it is worth talking about to see if we can not by mutual agreement eliminate the controversy for the future.

Mr. LEE. I would certainly agree with you that it is worth exploring, that is, the possibility of buying out those rights. I think that is something that you people have to consider and decide on.

We have this proviso in here simply because we do have a treaty obligation, and we have no authority at the present time to work out from under that. Neither do we want to be in a position of recommending that a treaty right be violated. But if the Congress decides that they would like to try and commute this treaty right and make a lump-sum payment for it, then we would have to go back and negotiate with the Indians to see whether or not such a settlement were possible or satisfactory.

Senator WATKINS. And, of course, they are always open to this possibility: The court might say they are entitled to a fishing and hunting right, but they would have to take it under regulation. Just like I am entitled to a hunting and fishing right in my State, but it is subject to the rights of the rest of the people and would be under some regulation. So, in the end, it might be desirable for the Indians themselves to take reasonable compensation for it and get out from under and go along with the rest of the people and fish and hunt when they do.

Mr. LEE. It is entirely possible that it would be to their advantage.